

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

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UNITED STATES OF AMERICA

Plaintiff

-vs-

EMMERT ANTHONY SAUNDS

aka Hopley Webber

aka Cedrick Hanson

Defendant  
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: CASE NO. 1:06CR185  
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:  
: ORDER ACCEPTING PLEA  
: AGREEMENT AND JUDGMENT AND  
: NOTICE OF HEARING  
:

UNITED STATES DISTRICT JUDGE LESLEY WELLS

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge Nancy A. Vecchiarelli regarding the change of plea hearing and plea agreement of Emmert Anthony Sands which was referred to the Magistrate Judge with the consent of the parties.

On 12 April 2006, the government filed a one-count indictment against Emmert Anthony Sands for illegal reentry in violation of 8 U.S.C. ¶ 1326. On 5 May 2006, a hearing was held in which Emmert Anthony Sands entered a plea of not guilty before Magistrate Judge William H. Baughman, Jr., waived his right to a detention hearing and executed a waiver. On 25 August 2006, Magistrate Judge Vecchiarelli received Emmert Anthony Sands' plea of guilty and issued a Report and Recommendation ("R&R") concerning whether the plea should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Emmert Anthony Sands is found to be competent to enter a plea. He understands his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Emmert Anthony Sands is adjudged guilty of Count One in violation of 8 U.S.C. ¶ 1328.

Sentencing will be:

**19 October 2006 at 2:30 p.m.**

**Courtroom 19-A  
19th Floor, United States District Court  
801 West Superior Avenue  
Cleveland, Ohio 44113**

IT IS SO ORDERED.

Dated: 2 October 2006

/s/Lesley Wells  
UNITED STATES DISTRICT JUDGE